

**Fremont Conservation Commission**  
**08-18-08 Minutes**



**Fremont Conservation Commission**  
**Minutes of August 18, 2008**  
Amended and Approved September 8, 2008

Present: Chairman John (Jack) Karcz, Members Janice O'Brien, Pat deBeer, Bill Knee and Recording Secretary Meredith Bolduc.

Chrm. Karcz opened the meeting at 7:30 pm.

**MINUTES**

Mbr. deBeer made the motion to accept the minutes of the August 4, 2008 meeting as written. The motion was seconded by Mbr. O'Brien with unanimous favorable vote except for Mbr. Knee who abstained as he was not present at that meeting.

**DEPARTMENT OF ENVIRONMENTAL SERVICES**

Chrm. Karcz stated that DES has requested the following to be read into the minutes:

**Tornado Aftermath and Shorelands**

Over 150 homes and structures were damaged or destroyed during the tornado that struck New Hampshire on July 24, which has resulted in considerable demolition debris. Debris removal and the repair or reconstruction of structures within the protected shoreland area do not require a shoreland permit, provided the reconstruction is contained within the original building footprint and will not result in an increase in the area of impervious surfaces (driveways, buildings, etc.). Trees that have been downed or damaged that will pose a hazard to the safety of people or property are exempt from any cutting restrictions established in the Shoreland Protection Act and may be removed. Stumps that remain in the ground within 50 ft. of surface waters may not be removed. Stumps uprooted by the weather event may be removed and the hole backfilled without a permit. For more storm recovery information from the Department of Environmental Services, go to [www.des.nh.gov/storm\\_recovery/](http://www.des.nh.gov/storm_recovery/) [1] or call (603) 271-3503.

**WATER RIGHTS ORDINANCE**

Chrm. Karcz reported that at the August 6, 2008 Planning Board meeting he asked if there would be any objection to the Conservation Commission drafting and presenting a Water Rights Ordinance that could be put before the voters at the 2009 Town Meeting for inclusion in the Fremont Zoning Ordinance. The Planning Board Members agreed that they would welcome Conservation Commission's efforts in drafting such an ordinance. Chrm. Karcz said that he and Mbr. O'Brien met with the Selectmen who also have no objections.

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The Members reviewed the “Water Rights and Local Self-Government Ordinance” that has recently been adopted by the Towns of Nottingham and Barnstead. This ordinance includes the name which would be “Fremont Water Rights & Self Government Ordinance”; preamble and purpose which talks about safeguarding the water and the rights of the Town of Fremont residents and restricting corporatization of water supplies; authority, statements of law which defines titles i.e. “company” and “corporation” and identifies who would be and who would not be allowed to withdraw large amounts of groundwater. The document also included rights; exceptions; civil rights; and liability. (see entire document attached to these minutes)

The Members agreed with the Selectmen’s suggestion that the words” sole proprietor” be added to the verbiage in the first sentence of section 4 that says “no corporate or syndicate” so that sentence would read *No corporation or syndicate or sole proprietor shall engage in water withdrawals in the Town of Fremont*. Mbr. O’Brien suggested that any water extraction would be for individual consumption only and not for commercial sales. It was also agreed that “*Fremont*” replace any other town name.

The Members discussed the idea of adding a provision that would allow emergency water use for abutting towns, but decided not to do that at this time. The ordinance could be amended it if necessary at some later date.

Mbr. O’Brien made the motion that the proposed Water Rights Ordinance be forwarded to the Planning Board for their review, with the recommendation that it be moved forward as a zoning article for the voters to consider at the 2009 Town Meeting.

Motion seconded by Mbr. deBeer with unanimous favorable vote.

#### **ERLAC**

Mbr. deBeer reported that there is going to be a macroinvertebrate workshop and pot luck supper Mark Traeger’s house in Sandown on Wednesday August 20, 2008. This is the kick-off event for the Exeter River Volunteer Biological Assessment Program (VBAP).

#### **BUDGET**

Chrm. Karcz stated that he and Mrs. Bolduc met with the Selectmen on August 14, 2008 to present the budget as approved by the Members at the July 21, 2008 Conservation Commission meeting. The budget will be proposed to the Budget Committee on September 10, 2008.

#### **GLEN OAKES**

Mbr. O’Brien reported that Eagle Scout Mark Prescott has sent her the map, with trails, that he created. He will mark the trails with corresponding arrows. The project will be finished by September 5, 2008.

#### **INCOMING CORRESPONDENCE**

1. A comment sheet and public hearing notice were received from the Planning Board relative to a Site Plan Review for Douglas and Kimberly Andrew, Map 6 Lot 003-004 for a pet grooming

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business inclusive of a new building and parking area construction. There was some discussion relative to Special Exceptions allowed by the ZBA for disturbance closer than 100' to wetlands.

It was agreed that the Members would like to thank the Andrews for minimizing the wetlands impact as the Commission suggested and since there is no further wetland issue there is no further comment on the plan.

2. A comment sheet and public hearing notice were received from the ZBA for Philip Fogarty, Map 7 Lot 098, 16 Beach Street for a Variance request from Article IV Section 1 of the Town of Fremont Zoning Ordinance to allow the construction of a 24' x 44' residential structure as close as 13' to each side of the 50' lot where 20' is required. After some discussion it was agreed to issue no comment as there are no wetlands involved.
3. A comment sheet and public hearing notice were received from the ZBA for the Estate of Frank Bettencourt, Sr. as requested by Frank Bettencourt, Jr., under Power of Attorney, for 13 Clough Crossing for a Use Variance from the terms of Article III Section 1, D-2 of the Town of Fremont Zoning Ordinance to allow a one (1) year (twelve (12) months) extension of time to resume the operations of the Exeter River Camping Area; a non-conforming use abandoned in excess of eighteen (18) months. The extension of time would be from the established date of May 1, 2008 to May 1, 2009. After some discussion the Members agreed to issue the following comment relative to the time extension request.

For the following reasons:

1. The Exeter River Camping Area is located in a Flood Plain.
2. It is not in the spirit of the Shoreland Protection Act nor the Fremont Aquifer Protection District.
3. This property has not been operated as a viable commercial entity in recent years and now that it has officially expired we do not believe it in the Town's best interest to grant an extension.

Therefore the Conservation Commission recommends against an extension of the commercial non-conformance use of the Exeter River Camping Area.

4. Notice of the November 12 – 14 annual Local Government Center conference. Program details and registration will be available soon.
5. Notice from Muriel Ingalls of the Kingston Lake Association annual membership meeting on August 20, 2008 where there will be a Shoreland Presentation Act presentation by Arlene Allen of DES.

Mbr. Knee made the motion to adjourn at 9:05 pm.

Motion seconded by Mbr. deBeer with unanimous favorable vote.

Meredith Bolduc  
Recording Secretary